

MEMO ENDORSED



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May 1, 2009

By Telecopier (212) 805-7949

The Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007-1312

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/4/09

Re: *PlaSmart Inc. v. Wincell International Inc., Jar Chen Wang, and Hong Jun Gu*,
USDC -SDNY - Case No. 05 CV 10745 (PKC)

Dear Judge Castel:

The purpose of this letter is to advise the Court that the parties agree with the Court's recommendation and terms to dismiss the above action without prejudice, subject to reinstatement after the reexamination proceedings have been completed as set forth in the Court's April 24, 2009 Minute Order (Docket Entry No. 79). It is the understanding of the parties that upon reinstatement, all rights and remedies will not be affected by the dismissal; and, that the request for reinstatement of the case to active status can be made by either party. Thank you for the Court's consideration of this matter.

Respectfully submitted,

COUNSEL FOR WINCELL INTERNATIONAL INC.,
JAR CHEN WANG AND HONG JUN GU

By: Robert A. Gutkin

Robert A. Gutkin
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1333 H Street, NW, Suite 820

*The action is
dismissed without prejudice.
The action may be restored
provided a request to do
so is filed with the Court
no later than March 31,
2011.*

SO ORDERED

[Signature]
USDS
5-1-09



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FAX NUMBER: 212-805-7949

FROM: Robert A. Gutkin

PHONE: 202-216-4106

DATE: May 1, 2009

Pages to Follow: 2

COMMENTS:

Please see the attached letter.

Thank you.

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